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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,404	04/02/2001	Peter Kassan	P/1318-134	8833

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EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/824,404

Applicant(s)

KASSAN ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

**Claims Status: 1-28 are rejected.**

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

#### *Objection*

Claims 1-28 are objected to under 37 CFR 1.75 because: the usage of the parentheses is improper in the claim, because it's unclear if the information between the parentheses is included or excluded. See claim 1, lines 4, 5, 8, and 10 for example. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-28 are rejected under 112 2<sup>nd</sup> the phrase "and/or" renders the claim indefinite because it is unclear whether applicant needs to specify if the intention is to include the limitation or alternate.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington (US Patent No. 5,895,454) in view of Barlow et al (US Patent No 6,038,551).

1. Regarding Claim 1, Harrington discloses an asset tracking, managing and servicing system, comprising:

a plurality of service/product, vendor-referenced, databases comprising SP/V (service/product vendor-referenced) data records that relate to corresponding user A/R data records, the SP/V data records comprising service and product information (see Fig. 2, step 32, Harrington); and

a C/C (control/communication) subsystem that enables interactions between the A/R data records that are user referenced and the SP/V data records that are vendor-referenced in a manner that creates current user information, including via interactions initiated by vendors (see column 5, lines 63-67, Fig. 2, step 36, Harrington);

Harrington discloses all the claimed subject matter as discussed above, except he does not explicitly disclose a system in which the a user-referenced subsystem including, for each of a plurality of users, a respective A/R (user-based assets and/or information data records) DB and

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further including a records associator and a request processor, the A/R DB comprising user based assets and/or relationships (A/R) data records. However, Barlow discloses the user-referenced subsystem including, for each of a plurality of users, a respective A/R (user-based assets and/or information data records) DB and further including a records associator and a request processor, the A/R DB comprising user based assets and/or relationships (A/R) data records (see Fig 3, steps 74, 76, 68, 80, Barlow). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Harrington system by allowing each user to have a user-based sub system as a user profile where user can store and update all personal preferences skilled artisan would be motivated to do so in order to provide users with more efficient results according to their preferences..

2. Regarding Claim 2, Harrington in view of Barlow discloses a system further including a facility associated with the user-referenced subsystem which groups selected items from the A/R data records into groups of records (see column 5, lines 35-37, Harrington).

3. Regarding Claim 3, Harrington discloses a system in which the A/R data records include asset-related information (see column 4, lines 39-42, Harrington).

4. Regarding claim 4, Harrington in view of Barlow discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: warranties; periodic maintenance; payment schedules; payment history; proof of ownership of assets; proof of purchase; product recall data; tax related information; installment payment dates; expiration dates; renewal dates; expenditure history; and next mandated maintenance date (see column 4, lines 46-50, Harrington).

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5. Regarding Claims 5, and 6, Harrington in view of Barlow discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of:

time and date of transactions; vendor; personal data of purchaser; addressing information of recipient; personal demographic information about purchaser and/or recipient; generic description of an asset; contract terms and conditions; entity purchased from; and contact information; and the data items also include transaction type information including: purchase, rental, lease, and contract signing (see column 4, lines 35-65, column5, lines 1-46, Harrington).

6. Regarding Claim 7, Harrington in view of Barlow discloses a system in which the user-referenced subsystem further includes a security controller (see column 5, lines 52-55, Harrington).

7. Regarding Claims 8, and 9, Harrington in view of Barlow disclose a system in which the security controller is operable to set a variety of authorization levels that determine and select those A/R data records to which the request processor shall have access (see Fig 3, steps 74, 76, 68, 80, Barlow).

8. Regarding Claim 10, Harrington in view of Barlow discloses a system in which the A/R data records are encrypted (see Fig. 9, step 186, Barlow).

9. Regarding Claim 11, Harrington in view of Barlow discloses the A/R data records including personal preference information (see column 5, lines 48-51, Harrington).

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10. Regarding Claim 12, Harrington in view of Barlow discloses a system in which the security controller enables communication via a trusted agent (see column 12, lines 15-25, Barlow).

11. Regarding Claim 13, Harrington in view of Barlow discloses a system in which the request processor includes a facility that enables the user-referenced subsystem to respond to unsolicited requests for detailed information about assets (see Fig. 3, step 80, Barlow).

12. Regarding Claim 14, Harrington in view of Barlow discloses a system in which the request processor receives a request for information from remote computing facilities (see column 16, lines 15-20, Barlow).

13. Regarding Claim 15, Harrington in view of Barlow discloses a system in which the request processor assigns a unique transaction number to each request (see column 11, lines 63-63, Barlow).

14. Regarding Claim 16, Harrington in view of Barlow discloses a system in which the request processor develops a history of transactions (see column 12, lines 15-23, Barlow).

15. Regarding Claim 17, Harrington in view of Barlow discloses a system in which the records associator is a facility that automatically establishes associations between A/R records of various types, based on a set of criteria (see column 4, lines 12-22, Harrington).

16. Regarding Claim 18, the combination of Harrington/ Barlow discloses a system in which the records associator tentatively establishes associations at the time a transaction is made (see column 4, lines 46-50, Harrington).

17. Regarding Claim 19, Harrington in view of Barlow discloses a system including an inference engine and in which the criteria for the records associator are developed by the

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inference engine which is a software component of the records associator that analyzes consumers transactions as they occur, to derive likely associations (see column 4, lines 35-31, Harrington).

18. Regarding Claim 20, Harrington in view of Barlow discloses a system further including a user rule facility which is referenced by the records associator to develop rules of association (see column 4, lines 39-42, Harrington).

19. Regarding Claim 21, Harrington in view of Barlow discloses a system further including an editor/viewer in the user-referenced subsystem through which users access the A/R data records for the purposes of editing and viewing the same (see Fig. 4, Barlow).

20. Regarding Claims 22, and 23, Harrington in view of Barlow discloses a system further comprising an individual best coordinator (IBC), which is a process that provides decision support to a user based on a current transaction and current assets in the user's A/R DB (see column 12, lines 12-16, Harrington).

21. Regarding Claim 24, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on a user's PC (see Fig. 2, steps 27, and 28, Harrington).

22. Regarding Claim 25, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on the Internet (see column 2, lines 36-40, Harrington).

23. Regarding Claim 26, 27, and 28, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on



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a private database located outside of the user's individual PC (see Fig. 1, step 10, 11, and 13, Harrington).

***Response to Amendment***

In response to Applicant's argument that the term "and/or" is found in thousands of U.S. Patents, the Examiner notes that each case is treated on a case-by-case bases. It is this case, and the specific claim language of this that is at issue. The examiner maintains that "and/or" is indefinite and it fails to apprise that public what the Applicant regards on his invention.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

"PROPOSED" or "DRAFT". Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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January 26, 2004

  
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